



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/0732

Re: Property at 1 Atholl Crescent, Laurieston, Falkirk, FK2 9QH (“the Property”)

Parties:

Mrs Lorraine McIntyre, 1 Atholl Crescent, Laurieston, Falkirk, FK2 9QH (“the Applicant”)

Mr Wayne Horton, Garden Cottage, Boness, EH51 9LW (“the Respondent”)

Tribunal Member:

Andrew Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of SIX HUNDRED AND SIXTY EIGHT POUNDS AND TWENTY TWO PENCE (£668.22) in favour of the Applicant.

Background

By Application dated 6 March 2019, the Applicant sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

The Applicant seeks payment of rent arrears due by the Respondent in the sum of £668.22

On 19 March 2019, the Application was accepted by the Tribunal and referred for determination by the Tribunal.

Mr Andrew Cowan

The Case Management Discussion

The Case Management Discussion (CMD) took place on 1 May 2019.

The Applicant was represented by her agent, Miss Gillian Smith, rentals manager, of Messrs Taylor William, Lettings Agents, 108A Main Street, Larbert, FK5 3AS. She was accompanied by Mr Roy Dawson.

The Respondent did not attend the hearing. Notice of the Application and the CMD had been served upon the Defender by Sheriff Officers on 11th April 2019.

The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters. The Tribunal asked various questions with regard to the Application and the Applicant's representative confirmed that she wished the Tribunal to grant the order sought in the Application.

The Applicant's representative confirmed to the Tribunal that there had been no recent contact from the Respondent regarding the sums claimed. She explained to the Tribunal that the sum sought in the Application was the balance of rent due by the Respondent in connection with his occupation of the property. She explained that part of the Respondent's deposit had been allocated to the rent arrears due by the Respondent, She confirmed that the total outstanding rent due by the Respondent (after accounting for the sums allocated from the deposit) is £668.22

Findings in Fact

The Applicant and the Respondent were respectively the landlord and tenant who entered into a tenancy of the property. .

The tenancy was a short assured tenancy dated 16th June 2017 and executed by both parties.

The Tenancy terminated by agreement between the parties on 1st August 2018.

Throughout the period of the Tenancy the rent due by the Respondent was £895 per month.

As at the date of termination of the tenancy the Respondent had accrued arrears of rent due to the Applicant in the sum of £668.22 (having taken account of the sum of £617.00 which had been allocated from the deposit paid by the Respondent at the commencement of the Tenancy).

The Respondent continues to owe the Applicant rent arrears in the sum of £668.22.

Decision

The order for payment of arrears is granted

Mr Andrew Cowan

Right of Appeal

In terms of Section 46 of the Tribunal(Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Mr Andrew Cowan

Legal Member/Chair

1/5/19

Date